

REMARKS

In the Office Action mailed March 4, 2009 the Office noted that claims 24-53 were pending and rejected claims 24-53. Claim 24 has been amended, no claims have been canceled, and, thus, in view of the foregoing, claims 24-53 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections and objections are traversed below.

REJECTIONS under 35 U.S.C. § 103

Claims 24-28, 31-39 and 42-53 stand rejected under 35 U.S.C. § 103(a) as being obvious over Suzuki, U.S. Patent Publication No. 2003/0059205. The Applicants respectfully disagree and traverse the rejection with an argument and amendment.

The Applicants have amended claim 24 to recite "at least one of said first recording layer and said second recording layer comprising: an anchor area which is to record therein anchor information which is referred to in reading file system information for controlling at least one of recording and reproduction of the record information; and an update area, **which update area is different from the anchor area**, to update-record therein the anchor information." (Emphasis added) Support may be found, for example, in claim 32 wherein it states "into a recording area other than the anchor area" and other independent

claims. The Applicants submit that no new matter is believed to have been added by the amendment of the claim.

Suzuki merely discusses that anchor is updated (i.e. overwritten) only in anchor area (see ¶¶ 0049 and 0059, and Fig. 3 of Suzuki). This means that Suzuki merely discusses only one anchor area into which the anchor is originally recorded and does not disclose the update area which is different from the anchor area.

In other words, Suzuki does not disclose both of (i) the anchor area into which the anchor is initially recorded and (ii) the update area which is different from the anchor area and into which the anchor is recorded (updated) along with the recording operation.

In contrast, claim 24 defines both of the anchor area and the update area. Therefore, according to the invention defined in claim 24, it is possible to solve such technical problem that the anchor information cannot be read in the case of the recording medium in which the anchor information is recorded only in the anchor area (see page 5, line 24 to page 6, line 25 and page 33, line 14 to page 34, line 9 of the Description).

Further, Suzuki merely discusses the anchor area whose position is fixed. Namely, Suzuki merely discusses that the anchor is overwritten in the fixed anchor area. Incidentally, Fig. 2C of Suzuki merely discusses the plurality of fixed anchor areas each of which corresponds to respective one session.

On the other hands, claim 24 defines not only the fixed anchor area but also the update area whose position can be arbitrarily set. Claim 24 defines that the anchor information for the entire area of the recording medium is updated in the update area whose position can be variably set. Therefore, according to the invention defined in claim 24, for example, it is possible to record the updated anchor information in the update area which is near the recording area into which the record information (e.g. the user data) is recorded, and thereby to reduce the time to search the anchor information and reproduce the record information on the basis of the searched anchor information.

Claims 32 and 42-53 recite similar features. Therefore, for at least the reasons discussed above, Suzuki fails to render obvious the features of claims 32 and 42-53 and the claims dependent therefrom.

Claims 29, 30, 40 and 41 stand rejected under 35 U.S.C. § 103(a) as being obvious over Suzuki, U.S. Patent Publication No. 2003/0059205 in view of Mitsuda, U.S. Patent Publication No. 2003/0193859. The Applicants respectfully disagree and traverse the rejection with an argument.

Mitsuda adds nothing to the deficiencies of Suzuki as applied against the independent claims. Therefore, for at least the reasons discussed above, Suzuki and Mitsuda, taken separately or in combination, fail to render obvious claims 29, 30, 40 and

41.

Withdrawal of the rejections is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. § 103. It is also submitted that claims 24-53 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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